

Mandate of the Working Group on the issue of discrimination against women in law and in practice

REFERENCE: OL
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Excellency,

I have the honour to address you in my capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice pursuant to Human Rights Council resolution 23/7.

The Working Group is following up on the information on Kuwait, published by the UN High Commissioner for Refugees in its 2014 annual note regarding gender equality in legal provisions in nationality laws. According to this information, current nationality law in Kuwait discriminates against women in that fathers can confer their nationality on their children in all circumstances and women cannot. Furthermore, if a woman has a child with a father who is unknown or whose paternity has not been established, the mother cannot transfer automatically her Kuwait nationality but the child may apply for Kuwaiti citizenship when he/she reaches the age of majority. In such cases, nationality is granted by Decree based on the discretionary recommendation of the Minister of Interior.

In this regard, the Working Group wishes to recall CEDAW's Concluding Observations on Kuwait (CEDAW/C/KWT/CO/3-4), in which the CEDAW Committee expressed concern that under the Nationality Act Kuwaiti women are not entitled to automatically pass on their nationality to their children. The Committee urged the State to review the Nationality Act to ensure equality between women and men with regard to nationality rights and to enable Kuwaiti women to pass their nationality to their children.

The Working Group would like to draw to your Excellency's Government's attention the existence of wide spread good practices by States in your region which, in recent years, have repealed legislative provisions which discriminate against women in the matter of nationality.

In order to clarify the measures being taken by your Excellency's Government to repeal the discriminatory legislative provisions on nationality, the Working Group would be grateful if you could address the following matters:

1. Please provide any additional information on the current status of the relevant legislation with regard to the right of women to pass their nationality to the children on an equal footing with men;

2. Please provide information on any measures that your Excellency's Government has taken or intend to take in order to implement the recommendations by UN human rights mechanisms, referred to above, and to bring its legislation into compliance with international human rights law.

The Working Group would appreciate a response within 60 days and remains available for any type of technical advice on legislative reform that your Excellency's Government may require.

This communication and your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice